

Missouri Lawyers

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WEEKLY

■ \$550,000 PLAINTIFF'S VERDICT
(\$427,500 AFTER ALLOCATION OF FAULT)

Ward Parkway crash results in \$550k verdict

MOTOR-VEHICLE COLLISION

- **Venue:** Jackson County Circuit Court
- **Case Number/Date:** 1716-cv03088/May 29, 2018
- **Judge:** Patrick W. Campbell
- **Plaintiff's Experts:** Steven Arkin, Kansas City (neurology); Michelle Beach, Pleasant Hope (accident reconstruction); William Blessing, Kansas City (neurology)
- **Defendant's Experts:** Michael DiTallo, Lake Zurich (accident reconstruction); Robert Fucetola, St. Louis (neuropsychologist)
- **Allocation of Fault:** 90 percent to Javier Pozo, 10 percent to Lauren Riley
- **Last Pretrial Demand:** \$760,000
- **Last Pretrial Offer:** \$200,000
- **Insurer:** The Cincinnati Insurance Company
- **Caption:** Lauren Riley v. Javier Pozo
- **Plaintiff's Attorneys:** Grant Davis and Valley Renshaw, Davis, Bethune & Jones, Kansas City
- **Defendant's Attorneys:** C. Zachary Vaughn and Brent L. Salsbury, Wiedner & McAuliffe, St. Louis

BY JESSICA SHUMAKER
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A Jackson County jury found a Chesterfield man liable for \$550,000 in damages for a 2013 vehicle crash in Kansas City that caused a woman's traumatic brain injury.

On May 29, after seven days of trial, the jury sided with Lauren Riley, 26, of Kansas City, rather than the man, Javier Pozo, 50.

A credit for a prior settle-

ment reduced the verdict by \$75,000, to \$475,000. The jury also found Pozo 90 percent at fault for the crash, bringing the total damages amount to \$427,500.

In February 2017, Riley sued Pozo and his employer, Forest Lake Tennis Club, Inc., also of Chesterfield, for the crash. Riley dismissed the tennis club with prejudice — barring the potential for future litigation against it — prior to the trial.

At the time of the crash, Pozo was a tennis instructor for the tennis club's Miller Tennis Academy, according to court records.

Riley alleged in the suit that Pozo was driving to the tennis courts at the Country Club Plaza for work-related activities when the crash occurred on June 18, 2013.

In her suit, Riley said she was traveling southbound on Main Street at the intersection with Ward Parkway when Pozo, traveling northbound on Main Street, failed to yield to Riley and made a left-hand turn, driving into her path and colliding with her vehicle.

Riley lost consciousness and suffered a traumatic brain injury as a result, she alleged.

Grant Davis of Davis, Bethune & Jones in Kansas City represented Riley. In a statement, he said the verdict highlights the need for jury

trials.

"Too many times, insurance companies offer settlements below the true value of a client's injuries and lawyers take it," he said.

C. Zachary Vaughn of Wiedner McAuliffe in St. Louis represented Pozo. While the case resulted in a plaintiff's verdict, he said he was happy with it.

"It was going to be a verdict against us," Vaughn said, noting Pozo admitted liability for the crash. "The only question was how much and could we keep it within policy limits and within reason, and I think we did that."

Prior to trial, the plaintiff sought \$1.25 million in policy limits, Vaughn said. On the eve of trial, he said the plaintiffs' counsel lowered their demand to \$760,000. He said the final offer was \$300,000, a figure Davis disputed. Davis said the final offer was \$200,000.

"Throughout the case, the plaintiff's attorney refused to demand anything less than policy limits," he said. "He was insisting it was a policy limits-plus case."

Vaughn said Davis asked the jury to consider \$3.85 million in damages for Riley.

Pozo's criminal past was another potential problem for the defense team to navigate at trial. In 2016, he pleaded guilty to statutory sodomy



Grant Davis

and statutory rape of a minor student and was sentenced to nine months in prison.

Vaughn said Judge Patrick W. Campbell allowed the plaintiff to enter evidence of those convictions before the jury, despite the defense's objections.

Vaughn said the plaintiff used the evidence to impeach Pozo's credibility on facts about the crash that the two sides disputed.

Vaughn said he was unsure of the impact of Pozo's background on the verdict.

"In jury selection, I brought it up because I knew it was coming," he said, adding he was able to remove most of the potential jurors who said they would have an issue deciding a case involving a convicted statutory rapist.

"I'm sure it played some role. It was not good for us," he said.